

## Summary Report

AKG-37-5000

On December 19, 2001, EPA Region 10, proposed issuance of a general permit for small suction dredges in Alaska. The comment period ended February 4, 2002.

EPA received no written comments during the public comment period.

EPA received a letter from USF&WS, dated February 21, 2002, stating that the Service does not anticipate adverse effects to endangered species associated with the proposed GP.

EPA received a letter, dated March 25, 2002, from the National Marine Fisheries Service (NMFS) regarding Endangered Species and Essential Fish Habitat (EFH). NMFS stated that it is unlikely that endangered marine mammals would be present in the area covered by the GP. NMFS has concurred with the EFH evaluation provided in the Fact Sheet for the draft permit and feels that additional EFH consultation is not necessary at this time.

In a letter dated March 18, 2002, the Alaska Division of Governmental Coordination (ADGC) concurred with the consistency determination prepared by EPA providing that the following conditions be included in the general permit:

1. Any inadvertent disturbance to streambanks shall be stabilized immediately to prevent erosion and sedimentation that may occur during or as a result of the disturbance. Please be advised that the regional office of ADF&G can provide guidance on the stabilization methods necessary to protect habitat and water quality.
2. Where a stream has not been specified as anadromous fish habitat pursuant to AS 16.05.870(a), the applicant must determine that the stream in question is not fish bearing. Local knowledge can be used for this determination.
3. No damming or diversions are authorized. This includes inadvertent damming caused by tailing placement, which could change hydrology.

4. Dredging shall not block or restrict public access or adversely impact aquatic species harvested by subsistence users.
5. No discharge shall occur within 330 feet of an active bald eagle nesting site.

These stipulations which are enforceable policies of the coastal districts can be found in Appendix C of the general permit.

In a letter dated March 21, 2002, the Alaska Department of Environmental Conservation (ADEC) provided a Certificate of Reasonable Assurance that the general permit, as proposed, will comply with the applicable provisions of Section 401 of the Clean Water Act if the following addition was made to the Best Management Practice found in Permit Part II.G.:

Care shall be taken by the operator during refueling of the dredge to prevent spillage into surface waters or to groundwater. ***Any spills shall be cleaned up using materials such as sorbent pads and booms. All spills shall be reported to DEC by calling 1-800-478-9300.***

It has come to EPA's attention that the waterbodies listed in Appendix A of the draft permit for the Sixmile and Resurrection Creek drainages was not a complete list. Silvertip, Clinton Donaldson, Timberline, Stormy and Juneau Creeks have been added to the Sixmile list and Couer d'Alene and Bonanza have been added to the Resurrection list of Appendix A of the final permit.